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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,650	02/04/2004	Ying-Chien Lin	33038-407400	5816

27717 7590 07/10/2008
SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

EXAMINER	
YUN, EUGENE	
ART UNIT	PAPER NUMBER
2618	
MAIL DATE	DELIVERY MODE
07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/10/2008 have been fully considered but they are not persuasive.

The applicant argues that the Olkkonen and He reference cannot be combined because the two references are two different technical fields. The applicant further argues that the Olkkonen and He reference cannot be combined because Olkkonen teaches a wireless network and the He reference teaches a wired network. This is not believed by the examiner to be a sufficient reason not to combine the two references. Combining a wireless and a wired reference can definitely improve the wired device by incorporating the wireless capabilities to the wired device and therefore, making it more efficient. In addition, the applicant also further argues that Olkkonen teaches a plurality of access points while He teaches only one selector. Again, the communication with the plurality of access points can be incorporated into the He device and this modification can significantly improve the He device by speeding up communications between devices. In addition, He does indeed teach a plurality of access points as shown in servers 19a and 19b (fig. 1). Although the devices of Olkkonen and He are not identical in nature, they both involve communication networks which involve multiplexing and in addition to the reasons, above, the examiner still believes that the Olkkonen and He references are properly combinable.

The applicant argues that He does not teach "sending a probe-response frame from the access point with the lowest load to the station". However, there is nothing that

indicates in the claims that the probe request and the probe response frame must be separate signals. Therefore, it is possible for probe request and the probe response frame to be the same signal in some shape or form. This would clearly mean that the He reference teaches all the limitations cited in the current rejection, since the other limitations which were cited are still believed to be taught by He.

For the above reasons, the examiner stands by his rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUGENE YUN whose telephone number is (571)272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eugene Yun/
Examiner, Art Unit 2618

/Matthew D. Anderson/
Supervisory Patent Examiner, Art Unit 2618